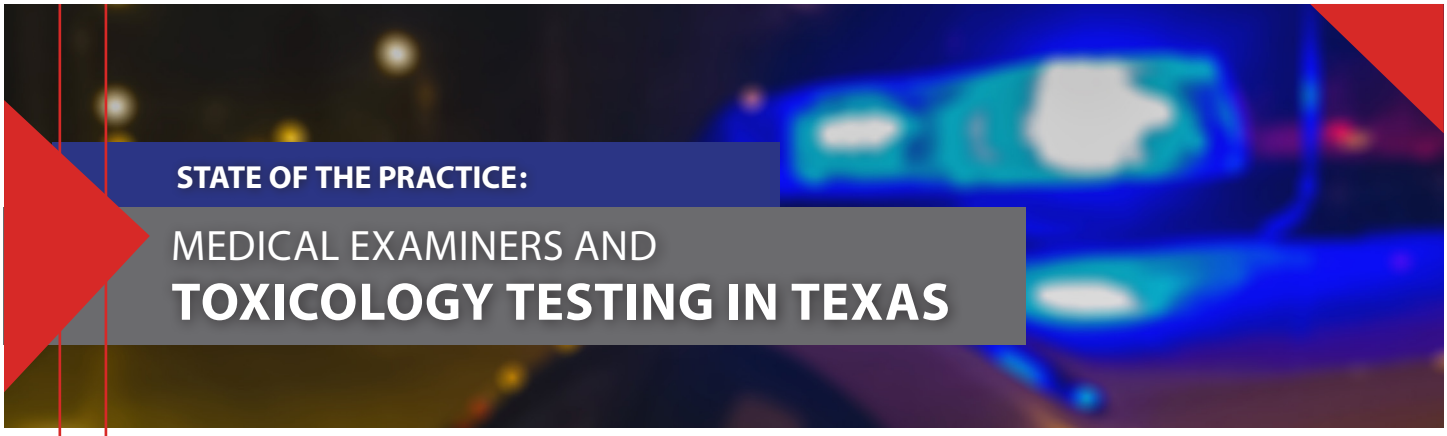


STATE OF THE PRACTICE:

MEDICAL EXAMINERS AND TOXICOLOGY TESTING IN TEXAS

INTRODUCTION

Medical examiners (MEs) are authorized to investigate motor vehicle crash fatalities to determine how alcohol and/or drugs contributed to the crash. In Texas, law enforcement notifies the ME's office (when one is present in the county) of fatal crashes. Depending on the circumstances, a formal investigation of the crash death may include an autopsy and toxicological testing.

The 12 Texas counties currently operating with an ME's office are Bexar, Collin, Dallas, Ector, El Paso, Galveston, Harris, Lubbock, Nueces, Tarrant, Travis, and Webb. Tarrant, Denton, Parker, and Johnson Counties have been established as an ME district, meaning they serve as the ME office for their home county while also serving multiple counties without a designated ME office. There are 133 counties that do not have an ME office but have access to ME services through interagency agreements.

In 2018, the Texas A&M Transportation Institute (TTI) was tasked to identify issues that adversely affect MEs and justices of the peace (JPs) who report blood alcohol concentration (BAC) toxicology results for fatally injured drivers. TTI surveyed MEs to better understand their experiences reporting BAC toxicology results of fatally injured drivers to the Texas Department of Transportation's (TxDOT's) Crash Records Section. This survey focused on current BAC testing and reporting practices for fatal crashes, as well as evaluation of current TTI ME educational activities.

SURVEY RESULTS

Current BAC Testing and Reporting Practices

Nine out of the 12 counties (75 percent) reported the ME as one of the individuals to request a toxicology test for fatal crashes. Over half (58 percent) listed the ME's office as the only agency to request a toxicology test for fatal crashes. There were also circumstances identified in which a JP, law enforcement officer, or pathologist could request toxicology testing.

The team received a 100% response rate with all 12 ME's offices completing the online survey.

MEs: Who Requests Toxicology Testing of Fatally Injured Drivers

of counties reported the ME as one of the individuals to request a toxicology test for fatal crashes.

Broadly speaking, respondents indicated the decision to conduct an autopsy and/or toxicology testing after a fatal crash is up to the ME's discretion. When alcohol and/or drugs are suspected of contributing to a crash, toxicology testing is typically ordered. Interestingly, 58 percent of MEs reported that circumstances exist in which they would not test for BAC or drugs following a fatal crash, including hospitalization (the most common circumstance), the fatality was not the driver, no criminal charges were filed on the driver involved in the crash, single-motor-vehicle crash, and with discretion of the ME.

58%
of MEs

reported that circumstances exist in which they would not test for BAC or drugs following a fatal crash.

TOXICOLOGY TESTS

Who Is Testing?

- **42 percent** of counties with MEs can perform toxicology testing in-house.
- **58 percent** send collected specimens to external laboratories for analysis.
- **All MEs** that sent lab specimens to another lab reported using NMS Labs. One ME reported using both NMS Labs and AXIS Labs.

How Much Does It Cost?

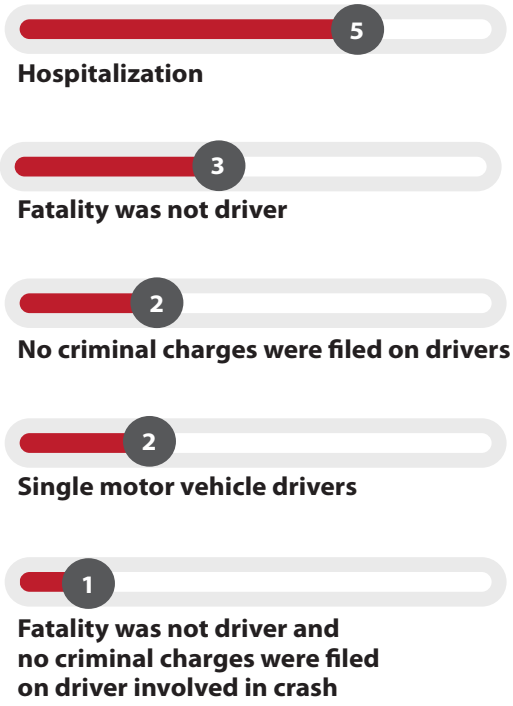
- Toxicology testing costs ranged from $401 to $500 and in some cases included autopsy costs. Many cost estimates were for screening; if additional drug confirmations are required, costs increase.
- Eighty-three percent of MEs reported their office is responsible for paying for toxicology tests in their primary county.
- The remaining 17 percent of MEs reported the county is responsible for paying. For surrounding counties that contract with an ME's office, the cost is either part of an arranged autopsy fee or covered by the JP for each respective county.

How Long Does Testing Take?

The window for receiving toxicology results back from the laboratory varied from office to office due to multiple factors, including workload demands and type of toxicology testing requested.

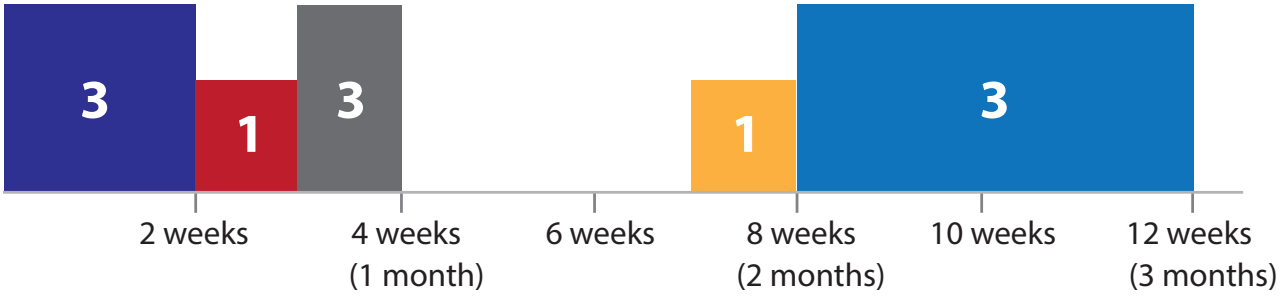
MEs: Circumstances for Not Toxicology Testing.

Number of Responses



MEs: Reported Time to Receive a Result from a Toxicology Test.

Number of Responses



Note: 1 response of "other"

What Happens after Receiving Toxicology Reports?

Sixty-seven percent of MEs reported making toxicology tests available upon request to the following requesters:

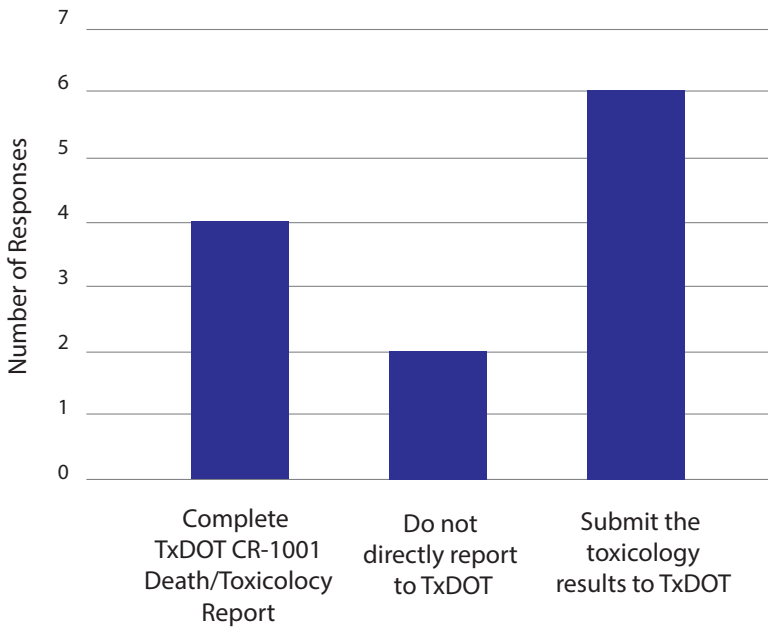
- **50 percent:** interested parties,
- **25 percent:** TxDOT,
- **17 percent:** law-enforcement agencies,
- **17 percent:** district attorneys,
- **8 precent:** pathologists, and
- **8 percent:** JPs.

The remaining 33 percent reported automatically forwarding toxicology results weekly, monthly, every 3 months, and upon completion to:

- **25 percent:** law-enforcement agencies,
- **25 percent:** TxDOT, and
- **8 percent:** district attorneys.

MEs also vary in their methods and frequency of reporting. Of the 10 MEs reporting directly to TxDOT, nine reported out-of-jurisdiction cases. The remaining ME stated that out-of-jurisdiction cases are not applicable. Nine have a specific person or position that is responsible for submitting BAC results to TxDOT.

MEs: Method of Reporting Toxicology Results to TxDOT



Approximately 42 percent of MEs reported using the TXDOT CR-1001 — Death/Toxicology Form. On average, MEs using the form rated its average usefulness 4.6 out of 5 (5 = extremely useful) and state they'd prefer to continue using it. Of the seven MEs who do not use the form, three reported submitting toxicology results to TxDOT, two reported not sending results directly to TxDOT, one reported sending full autopsy reports to TxDOT, and one stated it created too much work for administrative staff.

Regarding the Current BAC Reporting System

All MEs reported that the current system is efficient and did not have suggestions to make it more efficient. However, 50 percent would be willing to work with a third-party agency to assist them in collecting and reporting BAC toxicology results to TxDOT.

50% of MEs

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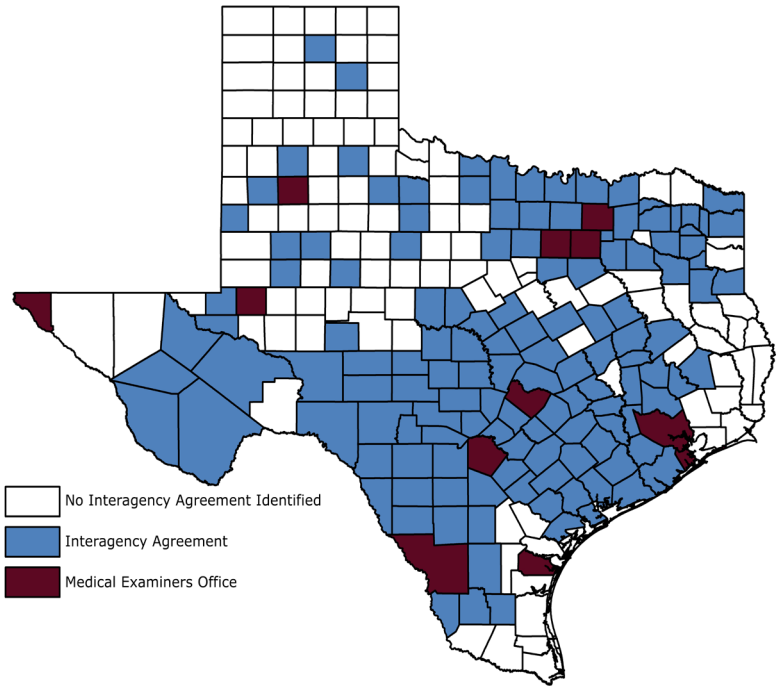
Medical Examiner Texas Counties Served in 2018



TTI Educational Activity Feedback

Over the past three years, TTI's project team has conducted free educational activities that focus on BAC and toxicology reporting for MEs. Activities included webinars on related laws, duty to report, TxDOT acceptance, where to send, and experiences with the current system. The survey asked briefly about these current educational activities and solicited potential topics for future activities.

Two MEs reported participating in the educational webinar hosted by TTI, with one stating the educational webinar was beneficial. Six people participated in the 2017 and 2018 educational webinars, with five of those participating in 2017 and one in 2018.

Nine MEs stated they were either extremely or somewhat likely to attend an educational webinar conducted by TTI. Two MEs stated they were somewhat unlikely to participate. Other MEs recommended a webinar that focused on BAC-reporting requirements, as well as general information on BAC-reporting requirements, to help each office determine if it is in compliance.

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Save a Life™
Texas Department of Transportation

CADES
Center for Alcohol and Drug Education Studies

MORE INFO

CINTHYA ROBERTO
Assistant Transportation Researcher
c-sroberto@tti.tamu.edu
(979) 458-0332

groups.tti.tamu.edu/cades/